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Attorneys for Defendants, MONMOUTH MEDICAL CENTER, NATALYA P. KUGAY, M.D. and MARANATHA LOUGHEED, M.D.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ASHLEY GREMMINGER and JULIO
CEZAR RIVAS

Plaintiff(s)
vs.

UNITED STATES OF AMERICA,
MONMOUTH FAMILY HEALTH CARE
CENTER, INC., MONMOUTH MEDICAL
CENTER, NATALYA P. KUGAY,
M.D., MARANATHA LOUGHEED,
M.D., AND JOHN DOE #1-20
(FICTITIOUS NAMES BEING
UNKNOWN)

Defendant(s)

CIVIL ACTION NO. 12-7523 (MAS)

Hon. Michael A. Shipp

DOCUMENT ELECTRONICALLY FILED

NOTICE OF MOTION TO DECLARE DEFENDANTS DRS. KUGAY AND LOUGHEED AS
FEDERAL EMPLOYEES AND TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION, AND TO DECLARE THAT DEFENDANT MONMOUTH FAMILY
HEALTH CENTER MUST DEFEND AND INDEMNIFY DEFENDANT MONMOUTH
MEDICAL CENTER

TO: Paul J. Fishman, United States Attorney
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PLEASE TAKE NOTICE that on February 4, 2013, the undersigned attorney, on behalf of defendants Dr. Natalya P. Kugay, M.D., Maranatha Lougheed, M.D., and Monmouth Medical Center will move before the Honorable Michael A. Shipp, United States District Judge, at the Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey, for an order in defendants', Drs. Kugay and Lougheed, favor deeming them federal employees and dismissing plaintiffs' claims for lack of subject matter jurisdiction, pursuant to F.R.C.P. 12(b)(1), and for an order declaring that defendant Monmouth Family Health Center must defend and indemnify Monmouth Medical Center, pursuant to F.R.C.P. 56.

In support of this Motion, defendants will rely upon the exhibits annexed hereto, and the Memorandum in Support of the Motion. A form of Order is submitted along with this Notice of Motion.

Defendants request oral argument if timely opposition is filed.

Respectfully submitted,
RONAN, TUZZIO & GIANNONE
Attorneys for defendants,
Natalya P. Kugay, M.D.,
Maranatha Lougheed, M.D., and
Monmouth Medical Center

/s/ Thomas F. Rinaldi /s/

DATED: JANUARY 11, 2013

By: Thomas F. Rinaldi, Esq.